

## REMARKS

This Response is submitted in response to the Final Office Action dated April 14, 2003. Claims 5, 9, 14, 20, 21, 26, 30, 35, 47 and 48 have been amended. Claims 1 to 4, 6, 8, 10 to 12, 18 and 19 have been canceled without prejudice or disclaimer. Claim 46 stands allowed. New Claim 49 is added. No new matter has been added.

A Petition for a three-month extension of time to respond to the Office Action and a Request for Continued Examination are submitted herewith. A check in the amount of \$1,720.00 is submitted herewith to cover the cost of the three-month extension and the RCE. Please charge Deposit Account No. 02-1818 for any in sufficiency or credit for any overpayment.

The Office Action objected to the drawings under 37 CFR 1.83(a) because the current drawings do not show all of the elements included in Claim 9. Applicants respectfully disagree with this objection, but nonetheless have amended Claim 9 to clarify that the steps of Claim 5 are repeated until the player chooses a predetermined number of selectors which are each associated with high value awards. Applicants submit that Figs. 4 and 7 show the elements included in amended Claim 9. Specifically, Fig. 4 illustrates three rows where each row represents an award exchange sequence (i.e., an opportunity to chose a selector associated with a high value award) and Fig. 7 indicates that if another award exchange sequence does not exist, the bonus round ends. Accordingly, Applicants respectfully request that this objection be withdrawn.

The Office Action rejected Claim 9 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains or with which it is most nearly connected, to make and/or use the invention. Applicants submit that the subject matter disclosed in amended Claim 9 is disclosed in the specification on page 26, lines 8 to 12. Accordingly, Applicants respectfully request that this rejection has been overcome and Claim 9 is in condition for allowance.

The Office Action rejected Claim 30 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 30 has been amended pursuant to the

Office Action's instructions to further clarify the present invention. It is respectfully submitted that amended Claim 30 is now in condition for allowance.

As clarified in the telephone conversation between the Applicants' representative and the Examiner on October 8, 2003, the Office Action rejected Claims 1 to 5, 7, 9, 12, 14 to 17, 22 and 23 under 35 U.S.C. §102 as being anticipated by Yoseloff. Applicants respectfully disagree with these rejections because Yoseloff does not disclose each and every element of the presently claimed invention. Nonetheless, to overcome these rejections, Applicants have amended certain of these claims to further distinguish over Yoseloff.

Yoseloff discloses a method of playing a video game in which at least a portion of the awards or winnings from a first game or event may be or must be carried forward into the second game or the second event. (col. 2, line 62 to col. 3, line 2). In the second game, a player selects one of three doors to receive a prize, a neutral event (e.g., a push, loss of a percentage of the wager, gain of a small percentage of the wager, etc.) or a doubling or otherwise substantial increase in the wager award.

Amended independent Claim 5 is directed to a method for operating an award exchange sequence in a gaming device including the steps of: (a) associating a high value award with either a first selector or a second selector, wherein the high value award is selected from a predetermined range of awards that are each greater than a currently held player award, (b) associating a low value award with the selector not associated with the high value award, wherein the low value award is less than the player award, and (c) enabling the player to keep the player award, choose the first selector or choose the second selector. The method also includes the steps of (d) providing the player award to the player if the player keeps the player award, (e) providing the low value award to the player if the player chooses the selector associated with the low value award, (f) providing the high value award to the player if the player chooses the selector associated with the high value award, and (g) if the player chooses the selector associated with the high value award, repeating steps (a) to (f) at least one time using the provided high value award and changing the new associated high and low value awards to be greater and less than, respectively, the provided high value

award, wherein the new associated high value award is selected from another predetermined range of awards which is based on the provided high value award.

Unlike Yoseloff, in the method of amended independent Claim 5, the high value award is selected from a predetermined range of awards that are each greater than the currently held award. That is, while Yoseloff discloses a high value award (i.e., a doubling or an otherwise substantial increase in the wager amount) associated with one of the doors, Yoseloff does not disclose a predetermined range of awards and especially a predetermined range of awards that are each greater than the currently held award.

Moreover, unlike Yoseloff, in the method of amended independent Claim 5, the new associated high value award is selected from another predetermined range of awards which is based on the provided high value award. That is, while Yoseloff discloses that each subsequent game segment may include larger awards, Yoseloff does not disclose that the new associated high value award in each subsequent game segment is selected from another predetermined range of awards wherein the range is based on the provided high value award. For these reason alone, it is respectfully submitted that amended Claim 5 is patentably distinguished over Yoseloff and in condition for allowance.

Claims 7 and 9 depend directly from amended Claim 5 and are also allowable for the reasons given with respect to amended Claim 5 and because of the additional features recited in these claims.

Amended independent Claim 14 is directed to a method for operating an award exchange sequence in a gaming device including the steps of enabling a player to input into a processor a decision to keep a currently held award or to input into the processor a decision to risk losing the currently held award to try for an award exchange, and wherein the decision can produce a successful outcome or an unsuccessful outcome for the player in the sequence, ending the sequence if the player inputs the decision to keep the currently held award, determining whether the successful outcome or the unsuccessful outcome occurred if the player inputs the decision to try for the award exchange, wherein the successful outcome occurs when an award selected by the

player has a higher value than the currently held award, wherein the higher value award is selected from a predetermined range of awards which is based on the currently held award and continuing the sequence when the successful outcome occurs and not continuing the sequence when the unsuccessful outcome occurs. As described above with respect to amended independent Claim 5, unlike Yoseloff, the higher value award of the method of amended independent Claim 14 is selected from a predetermined range of awards wherein the range is based on the currently held award. For this reason alone, it is respectfully submitted that amended Claim 14 is patentably distinguished over Yoseloff and in condition for allowance.

Claims 15 to 17, 22 and 23 depend directly from amended Claim 14 and are also allowable for the reasons given with respect to amended Claim 14 and because of the additional features recited in these claims.

The Office Action rejected Claims 8, 10, 11, 12, 18 to 21, 26 to 32 and 35 to 45 and 47 to 48 under 35 U.S.C. § 103(a) as being unpatentable over Yoseloff in view of the Let's Make a Deal television show ("LMD") and Harlick.

The Office Action states that in LMD the game's emcee would award small prizes and cash to players and would offer them the option of keeping the original award or trading it for an unknown award which was hidden from view, usually masked, for example, behind one of three curtains. The Office Action also states that a distinguishing feature of LMD was that the emcee would "tease" players by offering them awards to change their decisions or by revealing information that appeared to increase their odds of winning.

The Office Action states that the gaming device suggested by the combination of Yoseloff with LMD describes all the features of the claim except randomly determining whether to increase the currently held award based on a probability and randomly determining an increment from at least one predetermined range. The Office Action further states that:

In LMD, after a player made a decision to keep a current award, the emcee would frequently offer the player cash to change his decision wherein the emcee would offer some base amount of cash and incrementally increase the offer over an unpredictable range. Hence LMD

suggests a gambling game wherein a player makes a decision to risk a currently held award by offering a teaser sequence on an unpredictable basis using unpredictable values in order to enhance the suspense and excitement of the decision-making by preventing players from predicting when or how much cash they would be offered.

The Office Action relies on to Harlick for a gaming device wherein, in response to a players input, a randomly occurring event may be generated to award a player a random prize from a pool of possible values or range of possible values. Harlick discloses a random prize awarding system which randomly selects numbers from a pool of numbers. Harlick's system uses a pool of numbers, hence there is some indicia of predictability in Harlick's system. The Office Action concludes that because of Harlick, it is within the ordinary knowledge of an artisan to employ a random selection from a predetermined range or probability to generate unpredictable outcomes or events. But, the Office Action's conclusion appears to be at odds with the Office Action's prior statement, which states that LMD teaches the use of "unpredictable values." In other words, because Harlick suggests selecting numbers from a limited pool of numbers and LMD suggests selecting unpredictable values to be offered to the player, Harlick either teaches away from LMD or would not be combinable with LMD to form the presently claimed invention. The combination of Yoseloff, LMD and Harlick to form the basis for these rejections appears to be improper.

Amended independent Claim 26 is directed to a method for operating a player tease sequence in a gaming device under the control of a processor, including the steps of (a) after accepting an input designating a player's decision to risk a known currently held award to try for a higher value award exchange, increasing the currently held award by at least one increment, where the increment is randomly determined from at least one predetermined range which is based on the higher value award, (b) without revealing a determination of the player's success, enabling the player to input into the processor a decision to keep the increased award or to input into the processor a decision to risk losing the increased award to try for the higher value award exchange and (c) ending the tease sequence if the player inputs the decision to keep the increased award.

The Office Action has emphasized that LMD suggests a game with a teaser sequence offered on an unpredictable basis using "unpredictable values in order to enhance the suspense and excitement of the decision-making by preventing player from predicting when or how much cash they would be offered." If LMD suggests a tease sequence using unpredictable values to enhance a game to the player, then unlike the method of Claim 26, the gaming device combining Yoseloff, LMD and Harlick does not appear to teach, disclose or suggest a tease sequence using a predetermined range. That is, increasing a player's currently held award by an unpredictable increment appears to be contrary to increasing a player's currently held award by an increment from a predetermined range. Moreover, unlike the method of Claim 26, the gaming device combining Yoseloff, LMD and Harlick does not appear to teach, disclose or suggest a tease sequence using a predetermined range where the predetermined range is based upon a higher value award.

Moreover, Applicants respectfully submit that it would not have been obvious to an artisan at the time of the invention to include the elements of randomly determining whether to increase the currently held award based on a probability and randomly determining an increment from at least one predetermined range in order to convert LMD to a gaming device. That is, the LMD game was modified by introducing the features described above to seamlessly convert the LMD game to an operational gaming device. In other words, unlike the LMD game wherein the player was teased with unpredictable values, in order to modify the LMD game into a functioning gaming device, the Applicants incorporated the feature of determining the increment from the predetermined ranges. For these reasons, it is respectfully submitted that amended independent Claim 26 is patentably distinguished over Yoseloff, LMD and Harlick and is in condition for allowance.

Claims 27 to 32 depend directly or indirectly from amended Claim 26 and are also allowable for the reasons given with respect to amended Claim 26 and because of the additional features recited in these claims.

Amended independent Claim 35 is directed to a method for operating an award exchange sequence in a gaming device under the control of a processor. The method

includes enabling a player to input into the processor a decision to keep a currently held award or to input into the processor a decision to risk losing the currently held award to try for a higher value award, and wherein the inputted decision to try for the higher value award produces a successful outcome or an unsuccessful outcome for the player in the sequence. The method also includes ending the sequence if the player inputs the decision to keep the currently held award, and if and after the player inputs the decision to try for the higher value award, the processor randomly determines whether the successful outcome or the unsuccessful outcome occurs by randomly determining if the player's inputted decision yields the higher value award which is the successful outcome. The method further includes if and after the player inputs the decision to try for the higher value award and the unsuccessful outcome occurs, determining based on, one of a plurality of different predetermined probabilities whether to perform a player tease sequence, wherein if the determination is to perform the player tease sequence, the currently held award is increased to a value less than the higher value but greater than the currently held value. Unlike the method of Claim 35, the gaming device combining Yoseloff, LMD and Harlick does not disclose, teach or suggest determining whether to perform a player tease sequence based on one of such different probabilities. For this reason, it is respectfully submitted that amended Claim 35 is patentably distinguished over Yoseloff, LMD and Harlick and is in condition for allowance.

Claims 36 to 45 depend directly or indirectly from amended Claim 35 and are also allowable for the reasons given with respect to amended Claim 35 and because of the additional features recited in these claims.

Amended Claim 47 is directed to a method for operating a gaming device under the control of a processor. The method includes enabling a player to input into the processor a decision to keep a currently held award or to input into the processor a decision to risk losing the currently held award to try for a higher value award than the currently held award, and wherein the inputted decision to try for the higher value award produces a successful outcome or an unsuccessful outcome for the player. The method also includes providing the currently held award to the player if the player inputs

the decision to keep the currently held award. The method further includes if and after the player inputs the decision to try for the higher value award, the processor randomly determining whether to perform a player tease sequence based on a probability of performing the tease sequence, and if and after the player inputs the decision to try for the higher value award and the processor randomly determines to perform the player tease sequence, performing the player tease sequence which increases the currently held award and enables the player to input into the processor a decision to keep the increased currently held award or to input into the processor a decision to risk losing the increased currently held award to try for the higher value award. The method includes providing the increased currently held award if and after the player inputs the decision to keep the increased currently held award, and if and after the player inputs the decision to try for the higher value award, the processor randomly determines determining whether the successful outcome or the unsuccessful outcome occurs and providing the higher value award to the player if the successful outcome occurs. Unlike the method of Claim 47, the gaming device combining Yoseloff, LMD and Harlick does not disclose, teach or suggest randomly determining whether to perform a player tease sequence based on a probability of performing the sequence. For this reason, it is respectfully submitted that amended Claim 47 is patentably distinguished over Yoseloff, LMD and Harlick and is in condition for allowance.

Amended Claim 48 is directed to a method for operating a gaming device under the control of a processor. The method includes enabling a player to input a decision into the processor to keep a currently held award or to input a decision to risk losing the currently held award to try for a higher value award, and wherein the inputted decision to try for the higher value award can produce a successful outcome or an unsuccessful outcome for the player. The method also includes providing the currently held award to the player if the player inputs the decision to keep the currently held award. The method further includes if and after the player inputs the decision to try for the higher value award, the processor randomly determining whether the successful outcome or the unsuccessful outcome occurs, providing the higher value award to the player if the successful outcome occurs, and if the unsuccessful outcome occurs, (i) randomly



determining whether to increase the currently held award based on a probability, (ii) providing an award less than the currently held award to the player if the determination is not to increase the currently held award, and (iii) if the determination is to increase the currently held award, increasing the currently held award and enabling the player to input a decision to keep the increased currently held award or to input a decision to risk losing the currently held award to try for the higher value award, providing the increased currently held award to the player if the player inputs the decision to keep the increased currently held award, and if and after the player inputs the decision to try for the higher value award instead of the increased currently held award, randomly determining whether to provide the higher value award to the player, and providing the higher value award or an award less than the increased currently held award to the player based on such determination. Unlike the method of Claim 48, the combination of Yoseloff, LMD and Harlick does not disclose, teach or suggest randomly determining whether to increase the currently held award based on a probability. For this reason, it is respectfully submitted that amended Claim 48 is patentably distinguished over Yoseloff, LMD and Harlick and is in condition for allowance.

The Office Action rejected Claims 9, 13, 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over Yoseloff in view of Vancura. Applicants respectfully disagree with these rejections because the combination of Yoseloff and Vancura does not teach, disclose or suggest the presently claimed invention. Specifically, the gaming device resulting from the combination of Yoseloff and Vancura does not teach, disclose or suggest a higher value award that is selected from a predetermined range of awards.

Vancura relates to a method for playing a bonus game having a plurality of reels which include value symbols and end game symbols. The end game symbols are either lose game symbols or stop game symbols. The reels randomly spin and the player obtains the value associated with any displayed value symbols. The random spinning is repeatedly continued and the value associated with the displayed value symbols are accumulated into an accumulated winnings value until an end of the bonus game occurs. An end of the bonus game can occur if a predetermined number of end game symbols occur on the reels. Moreover, an end of the bonus game can occur when a

stop game symbol occurs on the reels. In this case, the bonus game ends and the player is awarded the accumulated winnings value. Additionally, an end of the bonus game can occur when a lose game symbol appears on the reels. In this case, the bonus game ends and the player is awarded a portion of the accumulated winnings value. Furthermore, the player may issue a stop signal which ends the bonus game with the player awarded the accumulated winnings value (col. 3, line 32 to col. 4, line 5).

As described above, Yoseloff relates to a method of playing a video game in which at least a portion of the awards or winnings from a first game or event may be or must be carried forward into the second game or the second event. Therefore, the gaming device combining the teachings of Yoseloff and Vancura would relate to a method of playing a multi-segmented game wherein one of the segments is the game disclosed in Vancura.

Unlike the method of Claims 9 and 13 and as described above with respect to amended independent Claim 5, the gaming device resulting from the combination of Yoseloff and Vancura would not teach, disclose or suggest a predetermined range of awards that are each greater than the currently held award. Moreover, the gaming device resulting from the combination of Yoseloff and Vancura would not teach, disclose or suggest that the new associated high value award is selected from another predetermined range of awards which is based on the provided high value award. For this reason, it is respectfully submitted that Claims 9 and 13 are patentably distinguished Yoseloff and Vancura and in condition for allowance.

Unlike the method of Claims 33 and 34 and as described above with respect to amended independent Claim 14, the gaming device resulting from the combination of Yoseloff and Vancura would not teach, disclose or suggest selecting a higher value award from a predetermined range of awards which is based on the currently held award. For this reason, it is respectfully submitted that Claims 33 and 34 are patentably distinguished Yoseloff and Vancura and in condition for allowance.

Similar to allowed Claim 46, new Claim 49 is directed to a gaming device including a currently held award, a plurality of other awards, wherein the plurality of other awards includes a higher value award than the currently held award and a display

device. The gaming device also includes a processor operable to enable a player to input a decision to keep the currently held award or to risk losing the currently held award to try for one of the plurality of other awards, wherein the inputted decision can produce a successful outcome or an unsuccessful outcome for the player and perform a terminating event if the player inputs the decision to keep the currently held award. If and after the player inputs the decision to try for one of the other awards, the processor is further operable to randomly determine whether the successful outcome or the unsuccessful outcome occurs by randomly determining if the player's inputted decision yields the higher value award and perform a player tease sequence wherein the currently held award is increased to a value less than the average value of the other awards but greater than the currently held value if the unsuccessful outcome occurs. It is respectfully submitted that new Claim 49 is in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,  
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